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Convention on the Elimination of All Forms of Discrimination against Women

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Meeting of States parties to the Convention on the Elimination of All Forms of Discrimination against Women
Thirteenth meeting
New York, 5 August 2004
Item 6 of the provisional agenda**
Other matters

Note by the Secretariat†

1. At the thirteenth meeting of States parties to the Convention on the Elimination of All Forms of Discrimination against Women, 11 members of the Committee on the Elimination of Discrimination against Women will be elected to replace those whose terms are due to expire on 31 December 2004 (see CEDAW/SP/2004/3 and addenda, as applicable). A report on reservations, declarations, objections and notifications of withdrawal of reservations relating to the Convention covering the period from 1 July 2002 to 1 June 2004 will be available at the meeting. That report updates information contained in an earlier report on the same subject (CEDAW/SP/2002/2).

2. The present information note is intended to bring to the attention of the States parties measures taken by the Committee to facilitate reporting under the Convention and use of the Optional Protocol.

3. The Committee adopted revised guidelines on reporting under article 18 of the Convention at its twenty-seventh session (3-21 June 2002). These guidelines apply to all reports submitted after 31 December 2002 and should be followed by States parties in the preparation of initial and all subsequent periodic reports. In addition to providing general guidance on the content of reports, the revised guidelines also make recommendations concerning the format. In particular, they suggest that reports should be as concise as possible: initial reports should be no more than 100 pages and periodic reports should be no more than 70 pages in length. The Committee's reporting guidelines were issued in the annex to part two of document A/57/38 and can also be accessed on the web site of the Division for the

* Reissued for technical reasons.
** CEDAW/SP/2004/1.
† The document was submitted late to the conference services without the explanation required under paragraph 8 of General Assembly resolution 53/208 B, by which the Assembly decided that, if a report is submitted late, the reason should be included in a footnote to the document.

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Advancement of Women (www.un.org/womenwatch/daw/cedaw). They are reproduced in annex I to the present note for ease of reference.

4. Since the entry into force of the Optional Protocol to the Convention, the Committee's mandate has expanded to include responsibility for implementation of the procedures provided for in the Optional Protocol. At its twenty-sixth session (14 January-1 February 2002), the Committee adopted a model communication form in order to facilitate the use of the communications procedure by individual women, or groups of women, claiming violations of rights protected under the Convention. The Committee and its Working Group on Communications under the Optional Protocol have requested the secretariat to make efforts to disseminate the Convention and the Optional Protocol, as well as the model communication form. The model communication form is reproduced in annex II to facilitate its further dissemination by States parties. The form was issued in part one, chapter V, of document A/57/38 and is also available on the web site of the Division (www.un.org/womenwatch/daw/cedaw).

5. The Committee agreed, at its thirtieth session (12-30 January 2004), to include in its annual reports an overview of its current working methods so as to make these more transparent and readily accessible to States parties and others interested in the implementation of the Convention, including United Nations agencies, programmes and funds and civil society organizations.[1] At an informal meeting held from 5 to 7 May 2004 in Utrecht, the Netherlands, the Committee reached agreement on further enhancing its working methods. The Committee is expected to adopt these agreements at its thirty-first session (6-23 July 2004). The revised overview of its working methods will be included in document A/59/38 (Part I).

[1] The overview of the Committee's current working methods is contained in document CEDAW/C/2004/I/4/Add.1.

Annex I

Revised reporting guidelines*

A. Introduction

A.1. These guidelines replace all earlier reporting guidelines issued by the Committee on the Elimination of Discrimination against Women (CEDAW/C/7/Rev.3), which may now be disregarded. The present guidelines do not affect the Committee's procedure in relation to any exceptional reports which may be requested which are governed by Rule 48.5 of the Committee's Rules of Procedure and its decision 21/I on exceptional reports.

A.2. These guidelines will be effective for all reports to be submitted after 31 December 2002.

A.3. The guidelines should be followed by States parties in the preparation of initial and all subsequent periodic reports.

A.4. Compliance with these guidelines will reduce the need for the Committee to request further information when it proceeds to consider a report; it will also help the Committee to consider the situation regarding human rights in every State party on an equal basis.

B. Framework of the Convention concerning reports

B.1. Every State party, upon ratifying or acceding to the Convention, undertakes, under article 18, to submit, within a year of the Convention's entry into force for that State, an initial report on the legislative, judicial, administrative or other measures it has adopted to give effect to the provisions of the Convention and progress made in this respect; and thereafter periodic reports at least every four years and further whenever the Committee so requests.

C. General guidance for contents of all reports

C.1. *The articles and the Committee's general recommendations.* The terms of the articles in Parts I, II, III and IV of the Convention must, together with general recommendations adopted by the Committee on any such article, or on a theme addressed by the Convention, be taken into account in preparing the report.

C.2. *Reservations and declarations.* Any reservation to or declaration as to any article of the Convention by the State party should be explained and its continued maintenance justified. Taking account of the Committee's statement on reservations adopted at its nineteenth session (see A/53/38/Rev.1, part two, chap. I, sect. A), the precise effect of any reservation or declaration in terms of national law and policy should be explained. States parties that have entered general reservations which do not refer to a specific article, or which are directed at articles 2 and/or 3 should report on the effect and the interpretation of those reservations. States parties should

* Issued in *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38* (A/57/38), part two, annex.

provide information on any reservations or declarations they may have lodged with regard to similar obligations in other human rights treaties.

C.3. *Factors and difficulties.* Article 18.2 of the Convention provides that factors and difficulties affecting the degree of fulfilment of obligations under the Convention may be indicated. A report should explain the nature and extent of, and reasons for every such factor and difficulty, if any such exist; and should give details of the steps being taken to overcome them.

C.4. *Data and statistics.* A report should include sufficient data and statistics disaggregated by sex relevant to each article and the general recommendations of the Committee to enable it to assess progress in the implementation of the Convention.

C.5. *Core document.* Where the State party has already prepared a core document, this will be available to the Committee. It should be updated as necessary in the report, particularly as regards "General legal framework" and "Information and publicity" (HRI/CORE/1, annex).

D. The initial report

D.1. General

D.1.1. This report is the State party's first opportunity to present to the Committee the extent to which its laws and practices comply with the Convention which it has ratified. The report should:

(a) Establish the constitutional, legal and administrative framework for the implementation of the Convention;

(b) Explain the legal and practical measures adopted to give effect to the provisions of the Convention;

(c) Demonstrate the progress made in ensuring enjoyment of the provisions of the Convention by the people within the State party and subject to its jurisdiction.

D.2. Contents of the report

D.2.1. A State party should deal specifically with every article in Parts I, II, III and IV of the Convention; legal norms should be described, but that is not sufficient: the factual situation and the practical availability, effect and implementation of remedies for violation of provisions of the Convention should be explained and exemplified.

D.2.2. The report should explain:

(1) Whether the Convention is directly applicable in domestic law on ratification, or has been incorporated into the national Constitution or domestic law so as to be directly applicable;

(2) Whether the provisions of the Convention are guaranteed in a constitution or other laws and to what extent; or if not, whether its provisions can be invoked before and given effect to by courts, tribunals and administrative authorities;

(3) How article 2 of the Convention is applied, setting out the principal legal measures which the State party has taken to give effect to Convention

rights; and the range of remedies available to persons whose rights may have been violated.

D.2.3. Information should be given about the judicial, administrative and other competent authorities having jurisdiction with respect to the implementation of the provisions of the Convention.

D.2.4. The report should include information about any national or official institution or machinery which exercises responsibility in implementing the provisions of the Convention or in responding to complaints of violations of those provisions, and give examples of their activities in this respect.

D.2.5. The report should outline any restrictions or limitations, even of a temporary nature, imposed by law, practice or tradition, or in any other manner on the enjoyment of each provision of the Convention.

D.2.6. The report should describe the situation of non-governmental organizations and women's associations and their participation in the implementation of the Convention and the preparation of the report.

D.3. Annexes to the report

D.3.1. The report should contain sufficient quotations from or summaries of the relevant principal constitutional, legislative and other texts which guarantee and provide remedies in relation to Convention rights.

D.3.2. The reports should be accompanied by these texts, which will not be translated or copied, but will be made available to the Committee.

E. Subsequent periodic reports

E.1. In general, the subsequent periodic reports of States parties should focus on the period between the consideration of their previous report and the presentation of the current reports. There should be two starting points for such reports:

(a) The concluding comments (particularly "Concerns" and "Recommendations") on the previous report;

(b) An examination by the State party of the progress made towards and the current implementation of the Convention within its territory or jurisdiction and the enjoyment of its provisions by those within its territory or jurisdiction.

E.2. Periodic reports should be structured so as to follow the articles of the Convention. If there is nothing new to report under any article, it should be so stated. Periodic reports should also highlight any remaining obstacle to the participation of women on an equal basis with men in the political, social, economic and cultural life of the State party.

E.3. The State party should refer again to the guidance on initial reports and on annexes, insofar as these may also apply to periodic reports.

E.4. There may be circumstances where the following matters should be addressed:

(a) A fundamental change may have occurred in the State party's political and legal approach affecting Convention implementation: in such a case a full article-by-article report may be required;

(b) New legal or administrative measures may have been introduced which require the annexure of texts, and judicial or other decisions.

F. Optional Protocol

F.1. If the State party has ratified or acceded to the Optional Protocol and the Committee has issued Views entailing provision of a remedy or expressing any other concern, relating to a communication received under that Protocol, a report should include information about the steps taken to provide a remedy, or meet such a concern, and to ensure that any circumstance giving rise to the communication does not recur.

F.2. If the State party has ratified or acceded to the Optional Protocol and the Committee has conducted an inquiry under article 8 of the Optional Protocol, a report should include details of any measures taken in response to an inquiry, and to ensure that the violations giving rise to the inquiry do not recur.

G. Measures to implement outcomes of United Nations conferences, summits and reviews

G.1. In the light of paragraph 323 of the Beijing Platform for Action, adopted at the Fourth World Conference on Women, in September 1995, initial and subsequent reports of States parties should contain information on the implementation of the actions to be taken in regard to the 12 critical areas of concern identified in the Platform. Reports should also contain information on the implementation of the Further actions and initiatives to implement the Beijing Declaration and Platform for Action agreed by the twenty-third special session of the General Assembly, "Women 2000: gender equality, development and peace for the twenty-first century" in June 2000.

G.2. Taking into account the gender dimensions of declarations, platforms and programmes of action adopted by relevant United Nations conferences, summits and special sessions of the General Assembly (such as the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), reports should include information on the implementation of specific aspects of these documents which relate to specific articles of the Convention in the light of the subjects with which they deal (for example, migrant women or older women).

H. The Committee's consideration of reports

H.1. General

H.1.1. The Committee intends its consideration of a report to take the form of a constructive discussion with the delegation, the aim of which is to improve the situation pertaining to Convention rights in the State.

H.2. List of issues and questions with respect to periodic reports

H.2.1. On the basis of all information at its disposal, the Committee will supply in advance a list of issues or questions which will form the basic agenda for consideration of periodic reports. Written answers to the list of issues of questions will be required from the State party several months in advance of the session at which the report will be considered. The delegation should come prepared to address the list of issues and to respond to further questions from members, with such updated information as may be necessary; and to do so within the time allocated for consideration of the report.

H.3. The State party's delegation

H.3.1. The Committee wishes to ensure that it is able effectively to perform its functions under article 18 and that the reporting State party should obtain the maximum benefit from the reporting requirement. The State party's delegation should therefore include persons who, through their knowledge of and competence to explain the human rights situation in that State, are able to respond to the Committee's written and oral questions and comments concerning the whole range of the Convention's provisions.

H.4. Concluding comments

H.4.1. Shortly after the consideration of the report, the Committee will publish its concluding comments on the report and the constructive dialogue with the delegation. These concluding comments will be included in the Committee's annual report to the General Assembly; the Committee expects the State party to disseminate these conclusions, in all appropriate languages, with a view to public information and discussion.

H.5. Extra information

H.5.1. In the course of its consideration of a report, the Committee may request, or the delegation may offer, further information; the secretariat will keep a note of such matters, which should be dealt with in the subsequent report.

I. Format of the report

I.1. Reports should be submitted in one of the six official languages of the United Nations (Arabic, Chinese, English, French, Spanish or Russian). They should be submitted in hard and electronic form.

I.2. Reports should be as concise as possible. Initial reports should be no more than 100 pages; periodic reports should be no more than 70 pages.

I.3. Paragraphs should be sequentially numbered.

I.4. The document should be on A4-sized paper; and presented in single-spaced format.

I.5. The document should be printed on one side of each sheet of paper so as to allow for reproduction by photo-offset.

Annex II

Model form for submission of communications to the Committee on the Elimination of Discrimination against Women under the Optional Protocol to the Convention*

The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women entered into force on 22 December 2000. It entitles the Committee on the Elimination of Discrimination against Women, a body of 23 independent experts, to receive and consider communications (petitions) from, or on behalf of, individuals or a group of individuals who claim to be victims of violations of the rights protected by the Convention.

To be considered by the Committee, a communication:

- must be in writing;
- may not be anonymous;
- must refer to a State which is a party to both the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol;
- must be submitted by, or on behalf of, an individual or a group of individuals under the jurisdiction of a State which is a party to the Convention and the Optional Protocol. In cases where a communication is submitted on behalf of an individual or a group of individuals, their consent is necessary unless the person submitting the communication can justify acting on their behalf without such consent.

A communication will *not* normally be considered by the Committee:

- unless all available domestic remedies have been exhausted;
- where the same matter is being or has already been examined by the Committee or another international procedure;
- if it concerns an alleged violation occurring before the entry into force of the Optional Protocol for the State.

In order for a communication to be considered the victim or victims must agree to disclose her/their identity to the State against which the violation is alleged. The communication, if admissible, will be brought confidentially to the attention of the State party concerned.

* * *

If you wish to submit a communication, please follow the guidelines below as closely as possible. Also, please submit any relevant information which becomes available *after* you have submitted this form.

Further information on the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, as well as the rules of

* Extracted from *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38* (A/57/38), part one, chap. 5.

procedure of the Committee can be found at: http://www.un.org/womenwatch/daw/cedaw/index.html.

Guidelines for submission

The following questionnaire provides a guideline for those who wish to submit a communication for consideration by the Committee on the Elimination of Discrimination against Women under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Please provide as much information as available in response to the items listed below.

Send your communication to:

Committee on the Elimination of Discrimination against Women
c/o Division for the Advancement of Women,
Department of Economic and Social Affairs
United Nations Secretariat
2 United Nations Plaza
DC-2/12th Floor
New York, NY 10017
United States of America

Fax: 1-212-963-3463

1. Information concerning the author(s) of the communication

- Family name
- First name
- Date and place of birth
- Nationality/citizenship
- Passport/identity card number (if available)
- Sex
- Marital status/children
- Profession
- Ethnic background, religious affiliation, social group (if relevant)
- Present address
- Mailing address for confidential correspondence (if other than present address)
- Fax/telephone/e-mail
- Indicate whether you are submitting the communication as:

– Alleged victim(s). If there is a group of individuals alleged to be victims, provide basic information about each individual.

– On behalf of the alleged victim(s). Provide evidence showing the consent of the victim(s), or reasons that justify submitting the communication without such consent.

2. Information concerning the alleged victim(s) (if other than the author)

- Family name
- First name
- Date and place of birth
- Nationality/citizenship
- Passport/identity card number (if available)
- Sex
- Marital status/children
- Profession
- Ethnic background, religious affiliation, social group (if relevant)
- Present address
- Mailing address for confidential correspondence (if other than present address)
- Fax/telephone/e-mail

3. Information on the State party concerned

- Name of the State party (country)

4. Nature of the alleged violation(s)

Provide detailed information to substantiate your claim, including:

- Description of alleged violation(s) and alleged perpetrator(s)
- Date(s)
- Place(s)
- Provisions of the Convention on the Elimination of All Forms of Discrimination against Women that were allegedly violated.
  If the communication refers to more than one provision, describe each issue separately.

5. Steps taken to exhaust domestic remedies

Describe the action taken to exhaust domestic remedies; for example, attempts to obtain legal, administrative, legislative, policy or programme remedies, including:

- Type(s) of remedy sought
- Date(s)
- Place(s)
- Who initiated the action
- Which authority or body was addressed
- Name of court hearing the case (if any)
- If domestic remedies have not been exhausted, explain why.

Please note: Enclose copies of all relevant documentation.

6. Other international procedures

Has the same matter already been examined or is it being examined under another procedure of international investigation or settlement? If yes, explain:

- Type of procedure(s)
- Date(s)

- Place(s)
- Results (if any)

Please note: Enclose copies of all relevant documentation.

7. Date and signature

Date/place: _____

Signature of author(s) and/or victim(s):

_____

8. List of documents attached (do *not* send originals, only copies)

_____